

**DICKSTEINSHAPIRO**LLP1825 Eye Street NW | Washington, DC 20006-5403  
TEL (202) 420-2200 | FAX (202) 420-2201 | dicksteinshapiro.com**FAX TRANSMISSION****RECEIVED**  
**CENTRAL FAX CENTER**

SEP 11 2008

DATE		CLIENT NO	
September 11, 2008			
SENDER	PHONE	FAX	
Megan Woodworth	(202) 420-2653		
PAGES (INCLUDING COVER SHEET)	TIMEKEEPER NO	HARD COPY TO FOLLOW	
2		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
SENT BY		DATE/TIME	
RECIPIENT	FIRM	FAX NO.	PHONE NO.
Clerk	USPTO	571-273-8300	

Additional recipients (if any) on following page.

**MESSAGE**

If your receipt of this transmission is in error, please notify this firm immediately by collect call to our Facsimile Department at (202) 420-2200, and send the original transmission to us by return mail at the address above.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

Washington, DC | New York, NY | Los Angeles, CA

RECEIVED  
CENTRAL FAX CENTER

SEP 11 2008



## UNITED STATES PATENT AND TRADEMARK OFFICE

## Board of Patent Appeals and Interferences

THOMAS J D'AMICO  
DICKSTEIN SHAPIRO MORIN AND OSHINSKY  
2101 L STREET NW  
WASHINGTON, DC 200371526

Appeal No: 2008-2881  
Appellant: HOWARD E. RHODES  
Application No: 09/172,298  
Hearing Room: A  
Hearing Docket: A  
Hearing Date: Wednesday, October 22, 2008  
Hearing Time: 01:00 PM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450

NOTICE OF HEARING  
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address: BOARD OF PATENT APPEALS AND INTERFERENCES  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: (✓) HEARING ATTENDANCE CONFIRMED ( ) HEARING ATTENDANCE WAIVED

MSut  
Signature of Attorney/Agent/Appellant

9/10/08  
Date

53,655  
Registration No.

Names of other visitors expected to accompany counsel: Gianni Minutoli

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/web/offices/dcom/gcaounsel/contact.htm#bpa\\_contacts](http://www.uspto.gov/web/offices/dcom/gcaounsel/contact.htm#bpa_contacts)